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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,362	11/14/2001	Jun Akiyama	56693 (70904)	5592
21874 7590 10/04/2007 EDWARDS ANGELL PALMER & DODGE LLP P.O. BOX 55874 BOSTON, MA 02205			EXAMINER POLTORAK, PIOTR	
			ART UNIT 2134	PAPER NUMBER
			MAIL DATE 10/04/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/992,362

Applicant(s)

AKIYAMA, JUN

Examiner

Peter Poltorak

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 16-24 is/are pending in the application.
- 4a) Of the above claim(s) 17-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-14 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 17-24 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. The Amendment, and remarks therein, received on 7/20/07 have been entered and carefully considered. The newly introduced and argued limitations are addressed in current Office Action, below.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior office action.

Response to Amendment

2. Applicant's remarks have been carefully considered.
3. In the Remarks applicant presents two arguments:
 - "because the disk identification information (i.e. the encryption information) is recorded using a rewritable recording system, if disk identification information is recorded improperly, it is possible to re-record the disk identification information in the encryption data recording region",
 - Toskai in view of Inazawa do not teach: "the encryption information is configured to be rewritten in the encryption data recording region".
4. The examiner is not quite whether applicant these two arguments should be interpreted independently or whether the first argument should be read as a support for the second argument.

The examiner did not find the language of the first argument in claims 1-2, 11 and 16, which would suggest that these two arguments are related. However, the two meaning of these arguments are not the same, which suggests that these two arguments may be not related. In particular, the first argument is directed towards a

particular properties of a recording system (possibility to re-record the disk identification information based on the property of a recording system), which is not the same as the newly introduced limitation that requires certain property of the encryption information, instead.

Applicant points to pages 32 and 34 in order to provide support for the newly introduced limitations. However, the examiner did not find any information in the cited pages that would relate to configuring of the encryption information, and in particular, configuring of the encryption information to be rewritten.

5. Claims 1-9, 11-14 and 16 have been examined.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claim 1-9, 11-14 and 16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In particular, the examiner did not find the support for the newly introduced limitations: "the encryption information is configured to be rewritten in the encryption data recording region".

7. Claims 1-9, 11-14 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The meaning of the limitation: "the encryption information is configured to be rewritten in the encryption data recording region" cannot be ascertained. In light of the specification, the encryption information is simply data, which is used in the encryption process of information in the data recording region. Thus it is not clear how such data can be configured.

For purpose of the further examination the new limitation is addressed as best understood.

8. Claims 3-9 and 12-14 are rejected by virtue of their dependence.
Appropriate correction is required.

Claim Rejections - 35 USC § 103

9. Claims 1-9, 11-14 and 16 remain rejected under 35 U.S.C. 103(a) as being obvious over *Tosaki et al.* (WO 00/07182) in view of *Inazawa et al* (U.S. Patent No. 6587948).

As per claims 1-2, 7-8 and 11 *Tosaki et al.* teach a disk (*Fig. 1B*) that comprises data area 5 (*first format data recording region*) and lead area 4 (*second format data recording region*).

Tosaki et al. teach CSS key area disposed in the lead area, which stores key information for deciphering the requisite information, which has been ciphered and recorded in the data area (*col.3 lines 28-62*). The requisite information is deciphered using the key information and reproduced (*col. 4 lines 3-6*).

This reads on “encrypted information in the data recording region in the first format and reproducing information by reading out the encrypted information recorded in the data recording region in the first format, and by decrypting the encrypted information using the encryption information which was reproduced from the encryption data recording region in the recording medium in the second format” and on “reproducing information by reading out the encrypted information recorded in the data recording region in the first format, and by decrypting the encrypted information using the encryption information which was reproduced from the encryption data recording region in the recording medium in the second format”.

The lead-in area comprises a prepit section (*col. 3 lines 1-2*) that stores key information (*col. 2 lines 48-50*). *Tosaki* discloses that the recording density (line recording density, track density) is lower in the prepit section, in order to improve the quality of the signal at the prepit section.

This reads on “recording information in the data recording region in the first format, which differs from the second format in an identical kind of recording system as the

encryption data recording region” and on “the first format and the second format differing from each other in at least one of recording density, error correcting system, and defect management system”.

10. *Tosaki et al.* do not teach recording identification information for identifying each recording medium and that the encryption information is different for different disks, such that the encryption information recorded on each disk is different and does not teach newly introduced limitation: “the encryption information is configured to be rewritten in the encryption data recording region”.

Inazawa et al. disclose recording identification information (a disk key DK) for identifying each recording medium and that the encryption information is different for different disks, such that the encryption information recorded on each disk is different (*data encrypted by using the disc key DK, Inazawa et al., col. 6 lines 8-10*).

One of ordinary skill in the art at the time of applicant’s invention would have been motivated to employ such a modification for tracking purposes and additional copyright protection.

The recording information for identifying each recording medium that is different for different disk clearly suggests that the encryption information are subject to change (re-writing) in disks encryption data recording regions, thus it clearly suggests that “the encryption information is configured to be rewritten in the encryption data recording region”.

11. As per the limitation: “wherein the recording system is a rewritable recording system”, the examiner points out that in light of *Tosaki et al.* explicit suggestion of

using rewritable (RW) recording medium (e.g. col. 2 lines 65-67), any system that is able to write data onto the rewritable recording medium is inherently rewritable recording system: regardless of whether any data is (or is not) present, the rewritable disk enables the recording system to write (or rewrite if data is already present) the data onto it.

12. As per claim 3, it is inherent that recording regions are blank before information is recorded.

13. As per claim 16, *Tosaki et al.* teach that the lead area in addition to prepit section comprise a groove (col. 3 lines 1-3).

14. The limitations of claim 4-5 and 12-13, and ordinary artisan would recognize that although music, movies and other data (stored in the data region that is in the first format) is subject to various compression techniques to minimize space requirement (and that the compression minimize the quality of the compressed data), it is imperative that the second format data that is used to decipher the first format data must be in perfect reproduction quality. Any discrepancies in reproduction of the encryption information (stored in the second format) would ultimately impact the usability of the decrypted information.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to ensure that the second format reproduces information with a better reproduction quality than the first format given the benefit of saving space in the first data format region while ensuring the proper (usable) reproduction of the data kept in the first format region.

15. As per claim 6 it is inherent that plurality of information pieces are recorded in a circumferential direction on a disk and it is old and well-known practice to use more than one piece of information for the encryption process for motivation of benefit of increased security.

16. As per claims 9 and 14 *Tosaki et al.*'s invention employs two different areas with data in different formats. Data in different formats modulate differently (because they were modulated differently at the recording time) and as a result when the DVD is read, the player or a computer that reads it must have two different systems to deal with the various formats.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Poltorak whose telephone number is (571) 272-



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3840. The examiner can normally be reached Monday through Thursday from 9:00 a.m. to 4:00 p.m. and alternate Fridays from 9:00 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on (571) 272-3811. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

9/28/07


KAMBIZ ZAND
SUPERVISORY PATENT EXAMINER